IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO.12358 OF 2004

Between:

S. Narahari Rao S/o. S. Gopal Rao
Indian Airlines, Plot No. 47, Lakshminagar, Picket, Secunderabad, Hyd.

..... PETITIONER

AND

1 Deputy General Manager, Indian Airlines, Southern Region, Hyderabad.
2 Senior Manager, Security, Indian Airlines, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in nature of writ of Mandamus declaring the action of the 2nd respondent Ref. No. HYD/DIS/02/SNR/2709, in passing the order of suspension dated 27.5.2004 as illegal, arbitrary and without jurisdiction and violative of principles of natural justice and also violative of Article 21 of the Constitution of India and consequently set aside the same and pass such other order or orders as the Hon'ble Court deems fit and proper under the circumstances of the case.

Counsel for the Petitioner: SMT.D.PRAMADA

Counsel for the Respondent No.: MR.K.SRINIVASA MURTHY, SC FOR APSRTC

The Court at the admission stage made the following Order :

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO.12358 OF 2004

ORDER:

The petitioner is working as a Security Assistant (Senior) in Indian Airlines, Hyderabad. He was placed under suspension on the ground that he was arrested by the police on 20-05-2004, and remanded to judicial custody in Crime No.182 of 2004, for the offences under Sections 419, 353, 506 IPC and 70(A) and 71 of the Hyderabad City Police Act. The petitioner was served with a charge sheet, and he submitted a detailed explanation stating that he was not detained by the concerned police for more than two hours and the authority who issued the charge sheet is not competent under the regulations to suspend him during the pendency of the enquiry.

Regarding the competency of the authority who issued charge sheet, the learned Counsel for the respondents drew the attention of this Court to an order of the Regional Director (South), Indian Airlines Limited, Southern Region dated 05-04-2004 to the effect that by virtue of proviso 11 to Schedule–I of the Standing Orders (Regulations), the Senior Manager (Security), Hyderabad was nominated as "Deputy Departmental Head" to act as the competent authority in respect of all employees upto and including in erstwhile Grade 10/12 working in Security Department, Hyderabd.

The validity or otherwise of this order can be questioned by the petitioner during the course of enquiry. The grievance of the petitioner is that though he made a specific request through the explanation submitted by him to the authorities concerned, they did not pass any orders revoking the suspension of the petitioner.

So far as the charges framed against the petitioner are concerned, the enquiry is going on and it is for the disciplinary authority to pass appropriate orders at the end of the enquiry. Since the petitioner is expressing his grievance for the inaction of the

respondents regarding the request for revocation of suspension, the respondents are directed to consider the matter and pass appropriate orders regarding revocation of the suspension within two weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

The writ petition is accordingly disposed of. No costs.

21-07-2004

Note:Furnish copy within

two days

(bo)

usd

ASSISTANT REGISTRAR

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SECTION OFFICER

To

1 Deputy General Manager, Indian Airlines, Southern Region, Hyderabad.

2 Senior Manager, Security, Indian Airlines, Hyderabad.

3 2CD copies